

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-11414-RWZ

NUANCE COMMUNICATIONS, INC.

v.

VLINGO CORP.

ORDER
April 12, 2011

ZOBEL, D.J.

This case has recently produced a flurry of motions and letters to the court.

1. Trial Date (Docket ## 130 and 131)

After a scheduling conference with counsel on March 29, 2011, during which the court suggested a trial date in July 2011, it ordered the parties to agree on a specific date and jointly inform the court thereof. The result was two letters, plaintiff's proposing July 11, and defendant's suggesting August 15, 2011.

The trial will commence on July 18, 2011. A pretrial conference will be held on June 29, 2011, at 2:30 p.m.

2. Plaintiff's Emergency Motion to Compel (Docket ## 112 and 114)

In accordance with the discussions with counsel on March 29, 2001, the motion is allowed to the extent that defendant shall supplement its earlier responses if necessary. Defendant shall further make its Chief Executive Officer available for a deposition and it shall do so forthwith and in ample time to allow both parties to use his

testimony at trial.

3. Defendant's Cross Motion to Compel (Docket # 119)

The motion is allowed and plaintiff shall make its CEO available for a deposition by defendant on the terms proposed by defendant and also in time to allow both parties to use his testimony at trial.

4. Defendant's Renewed Motion to Stay Pending Reexamination (Docket # 121)

The motion is denied.

5. Plaintiff's Letter Request Concerning Relief from Protective Order (Docket ## 125 and 128) together with its Motion to Seal (Docket # 127)

The letters seeks relief from the parties' agreed protective order (Docket # 38) "for the purpose of seeking redress for Vlingo's unlawful acts of false advertising," which translates to Nuance requesting release of the protected information to file yet another lawsuit.

Given the imminence of the trial in this case, the motion is denied without prejudice to renewal after completion of the patent infringement and invalidity trial.

The motion to seal (Docket # 127) is allowed.

6. The court is encountering considerable difficulties in following the parties' correspondence and understanding what, if any, rulings they seek. Accordingly, counsel are requested to file motions with respect to any matter as to which they desire a ruling from the court.

April 12, 2011
DATE

/s/Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE